

### REMARKS

Reexamination and reconsideration is respectfully requested in light of the foregoing amendments to the claims and the following remarks.

Claims 1, 3, 4, 6, 9-24 and 28-30 are pending in this application. Claims 2, 5, 7, 8 and 25-27 have been canceled without prejudice or disclaimer. New claims 28-30 have been added. No new matter has been added to the application. Support for the amendments can be found in original claims 1, 5, 7 and 8.

In the last Office Action dated November 1, 2005, Applicant notes the Examiner's acknowledgment of Applicants' claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified priority document.

### Rejections Under 35 U.S.C. § 112

In the Office Action dated November 1, 2005, claims 1-4, 6 and 9-24 stand rejected under 35 U.S.C. § 112, first paragraph, as lacking enablement for "ACoO<sub>2</sub>". Claim 2 has been canceled and therefore the rejection as to this claim is moot. Claims 1, 3, 4, 6, 9, 11-13 and 15-24 have been amended to provide for A<sub>x</sub>CoO<sub>2</sub>, which the Examiner has indicated in the Office Action to be enabled. Accordingly, it is believed that the amendments to claims 1, 3, 4, 6, 9, 11-13 and 15-24 combined with the addition of new claims 28-30 overcomes the rejection under 35 U.S.C. § 112, first paragraph.

Claims 1-4, 6 and 9-24 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the formulas "A'CoO<sub>2</sub>" and "A''CoO<sub>2</sub>" are indefinite. Claim 2 has been canceled thereby rendering the rejection to this claim as moot while claims 1, 3, 4, 6, 9, 11-13 and 15-24 have been amended to delete the objected to formulas. These claims combined with

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new claims 28-30 are believed to overcome the rejection under 35 U.S.C. § 112, second paragraph.

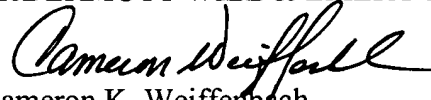
For all of the foregoing reasons, it is respectfully requested that the rejections under 35 U.S.C. 112, first and second paragraphs, be reconsidered and withdrawn.

### **Conclusion**

It is submitted that the claims 1, 3, 4, 6, 9-24 and 28-30 are patentable and comply with the requirements of the first and second paragraphs of 35 U.S.C. § 112. Accordingly, favorable reconsideration of the claims is requested in light of the preceding amendments and remarks. Allowance of the claims is courteously solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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